

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ESTATE OF J.C. PAYNE, IV,

Petitioner,

vs.

Docket No.: 2:21-cv-02539

**CITY OF MEMPHIS, TENNESSEE,
EARNEST CARTWRIGHT, SR., and
MEMPHIS LIGHT GAS & WATER
AKA MLGW and JOHN DOE POLICE
OFFICERS 1-10,**

Defendants.

**SUSAN SIMS as Natural Mother, Next Friend,
Next of Kin, and on behalf of J.C. PAYNE, V, a
Minor and JAYDEN PAYNE, a Minor and
JAYDA PAYNE, a Minor, as Minor Children
and Statutory Wrongful Death Beneficiaries
of J.C. PAYNE, IV, Deceased,**

Petitioner,

vs.

Docket No.: 2:21-cv-02597

**CITY OF MEMPHIS, TENNESSEE,
JOHN DOE AND/OR JANE DOE MEMPHIS POLICE
OFFICER(S) and MEMPHIS LIGHT, GAS and WATER
and EARNEST CARTWRIGHT, SR.**

Defendants.

ANSWER OF DEFENDANT CITY OF MEMPHIS

COMES NOW the Defendant City of Memphis ("City"), by and through its counsel of record, and files this Answer to Plaintiff's Complaint and states as follows:

In response to the numbered paragraphs of the Complaint, Defendant City states as follows:

1. Defendant admits that jurisdiction is proper.
2. Defendant admits that jurisdiction is proper.
3. Defendant admits that venue is proper.
4. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 4 of the Complaint, and therefore denies the allegations and demands strict proof thereof.
5. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 5 of the Complaint, and therefore denies the allegations and demands strict proof thereof.
6. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 6 of the Complaint, and therefore denies the allegations and demands strict proof thereof.
7. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 7 of the Complaint, and therefore denies the allegations and demands strict proof thereof.
8. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 8 of the Complaint, and therefore denies the allegations and demands strict proof thereof.
9. Defendant admits the allegations of Paragraph 9 of the Complaint.
10. Defendant denies the allegations of Paragraph 10 of the Complaint.

11. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 11 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

12. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 12 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

13. Defendant denies the allegations of Paragraph 13 of the Complaint.

14. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 14 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

15. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 15 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

16. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 16 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

17. Defendant denies the allegations of Paragraph 17 of the Complaint.

18. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 18 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

19. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 19 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

20. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 20 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

21. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 21 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

22. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 22 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

23. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 23 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

24. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 24 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

25. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 25 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

26. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 26 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

27. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 27 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

28. Defendant denies the allegations of Paragraph 28 of the Complaint.

29. Defendant denies the allegations of Paragraph 29 of the Complaint.

30. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 30 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

31. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 31 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

32. Defendant denies the allegations of Paragraph 32 of the Complaint.

33. Defendant denies the allegations of Paragraph 33 of the Complaint.

34. Defendant denies the allegations of Paragraph 34 of the Complaint.

35. Defendant denies the allegations of Paragraph 35 of the Complaint.

36. Defendant denies the allegations of Paragraph 36 of the Complaint.

37. Defendant denies the allegations of Paragraph 37 of the Complaint.

38. Defendant denies the allegations of Paragraph 38 of the Complaint.

39. Defendant denies the allegations of Paragraph 39 of the Complaint.

40. Defendant denies the allegations of Paragraph 40 of the Complaint.

41. Defendant denies the allegations of Paragraph 41 of the Complaint.

42. Defendant denies the allegations of Paragraph 42 of the Complaint.

43. Defendant denies the allegations of Paragraph 43 of the Complaint.

44. Defendant denies the allegations of Paragraph 44 of the Complaint.

45. Defendant denies the allegations of Paragraph 45 of the Complaint.

46. Defendant denies the allegations of Paragraph 46 of the Complaint.

47. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 47 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

48. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 48 of the Complaint, and therefore denies the allegations and demands strict proof thereof.

49. Paragraph 49 of the Complaint contains no substantive allegations and therefore does not require a response.

50. Defendant denies the allegations of Paragraph 50 of the Complaint.

51. Defendant denies the allegations of Paragraph 51 of the Complaint.

52. Defendant denies the allegations of Paragraph 52 of the Complaint.

53. Defendant denies the allegations of Paragraph 53 of the Complaint.

54. Defendant denies the allegations of Paragraph 54 of the Complaint.

55. Defendant denies the allegations of Paragraph 55 of the Complaint.

56. Defendant denies the allegations of Paragraph 56 of the Complaint.

57. Defendant denies the allegations of Paragraph 57 of the Complaint.

58. Defendant denies the allegations of Paragraph 58 of the Complaint.

59. Defendant denies the allegations of Paragraph 59 of the Complaint.

60. Defendant denies the allegations of Paragraph 60 of the Complaint.

61. Defendant denies all factual allegations contained in the Paragraph of the Complaint titled “DAMAGES”.

62. Any allegations in Plaintiff’s Complaint to which this Answer has not provided an individual response are hereby generally denied as if so pled.

Now, having fully answered, Defendant City respectfully requests that Plaintiff’s Complaint be dismissed and that Defendant be granted any further relief as this Court deems appropriate.

Respectfully submitted,

Jennifer A. Sink
Chief Legal Officer/City Attorney

/s/Joseph M. Fletcher
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CERTIFICATE OF SERVICE

I, Joseph M. Fletcher, hereby certify that on July 1, 2022, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon each party listed below via the CM/ECF system in this action.

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